



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

6620 Southpoint Drive South  
Suite 310  
Jacksonville, Florida 32216-0958

IN REPLY REFER TO:  
FWS/R4/ES-JAFL

November 6, 2003

Lee Feldman  
City of Palm Bay, Manager  
120 Malabar Road SE  
Palm Bay, Florida 32907

Dear Mr. Feldman:

The Fish and Wildlife Service (Service) recently completed an analysis of available Florida scrub-jay survey and observational data collected from 1999 to 2003 within the city limits of Palm Bay. Our analysis has resulted in the delineation of new scrub-jay polygons for areas west of Interstate 95 within the City of Palm Bay.

Based on known scrub-jay territory boundaries and shifts in the territory boundary lines during the analysis period, we calculated that a buffer of 438 feet around the margins of scrub-jay territories and locations where scrub-jays have been observed would adequately encompass habitat currently occupied by 20 families of scrub-jays. Accordingly, the Service applied this buffer to all known scrub-jay territories and locations where scrub-jays were seen between 1999-2003. Figure 1 shows the four scrub-jay polygons resulting from our analysis of new data. All parcels within the four smaller polygons are displayed in Figure 1. Figures 2-4 are enlargements of the parcels included in the four polygons. There are about 2,582 individual residential parcels in the four newly designated polygons. A list of residential lots included within the newly designated scrub-jay polygons is provided in Table 1. For comparative purposes, we have included a map (Figure 5) showing the scrub-jay polygons west of Interstate 95 that have been in place since November 2001.

Effective immediately, the four new scrub-jay polygons should be considered to supercede the scrub-jay polygons established in 2001 for areas west of Interstate 95. The City of Palm Bay may use the newly delineated four scrub-jay polygons during review of building permit requests for residential lots. Parcels outside (unshaded) of the four polygons are not considered to be occupied by scrub-jays and issuance of building permits and/or clearing of vegetation on these parcels will not result in take of the Florida scrub-jay. Parcels within (shaded) the four polygons contain suitable scrub-jay habitat and are considered to be occupied. Issuance of building

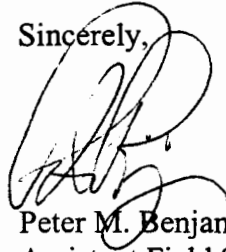
permits and/or clearing vegetation from these lots should be avoided until such time that the City or individual lot owners obtain an incidental take permit from the Service. Polygons east of Interstate 95 that encompass commercial properties have not been modified and future development of these sites should consider potential impacts to scrub-jays on a case-by-case basis.

The delineation of the four new scrub-jay polygons west of Interstate 95 does not alter the mitigation requirements of the pending city-wide habitat conservation plan. As we have previously discussed, the development of a mitigation program that results in the protection and management of at least 500 acres of suitable or restorable scrub-jay habitat should remain the habitat conservation plan's target. The fact that fewer parcels are now encompassed within the four new polygons does not reduce the mitigation need since 20 scrub-jay families remain within the city limits of Palm Bay.

The Service encourages the City of Palm Bay to expedite completion of its city-wide habitat conservation plan. Timely submission of the habitat conservation plan will avoid complexities associated with shifting polygon boundaries due to new scrub-jay survey data.

If you have questions or need additional information, please contact Mike Jennings at (904) 232-2580 extension 126.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Benjamin', is written over the printed name.

Peter M. Benjamin  
Assistant Field Supervisor  
Jacksonville Field Office

enclosures

cc:

Congressman Dave Weldon  
Conrad White, Brevard County Natural Resource Management Office